

REMARKS

This Reply is in response to the Non-Final Office Action mailed on April 9, 2004 in which Claims 28-37 were rejected. With this Reply, Claims 34-36 are cancelled, Claims 28, 29, 31 and 33 are amended and Claims 38-44 are added. Claims 27-33 and 37-44 are presented for reconsideration and allowance.

I. Rejection of Claims 28-29, 31-33 and 35-36 Under 35 U.S.C. § 102(b) Based Upon Takamatsu.

Paragraph 3 of the Office Action rejected Claims 28-29, 31-33 and 35-36 under 35 U.S.C. § 102(b) as being anticipated by Takamatsu et al., U.S. Patent No. 4,875,077. With this Reply, Claims 35 and 36 are canceled and Claims 28 and 31 are amended. Claims 28 and 31, as amended, overcome the rejection based upon Takamatsu.

A. Claim 28.

Claim 28, as amended, recites a method of printing using a print device having a first consumable with a first process surface, a second consumable with a second process surface and at least one protective housing having a first exposure gap and a second exposure gap. The method includes designating a region of the first process surface as a first non-use zone and designating a region of the second process surface as a second non-use zone. The method also includes avoiding the transfer of image information to the first non-use zone and the second non-use zone during periods of printing. The method involves positioning the first non-use zone at the first exposure gap and the second non-use zone at the second exposure gap during periods of non-printing.

Takamatsu fails to disclose or suggest a method in which a non-use zone of a first consumable and a second non-use zone of a second consumable are both positioned at exposure gaps during periods of non-printing. In contrast, Takamatsu merely discloses a belt 222 having a non-image-forming area that is positioned at a transfer opening 292. Nowhere does Takamatsu disclose or suggest further

positioning a non-use zone of a second consumable at a second exposure gap during periods of non-printing. Accordingly, Claim 28, as amended, overcomes the rejection based upon Takamatsu. Claims 29 and 30 depend from Claim 28 and overcome the rejection for the same reasons.

B. Claim 31.

Claim 31, as amended, recites a method for protecting a photoconductor of a printing device encased within a protective housing having an exposure gap. The method includes defining a region of the photoconductor as an image zone, defining a region of the photoconductor as a non-use zone, forming an image on the image zone by exposing the image zone to a photoelectric imaging process and dusting the image zone with a toner through the exposure gap and positioning the non-use zone at the exposure gap during periods of nonprinting.

Takamatsu fails to disclose or suggest a method for protecting a photoconductor which includes dusting an image zone of the photoconductor with toner through an exposure gap and positioning a non-use zone of the photoconductor at the exposure gap during periods of nonprinting. In contrast, Takamatsu merely discloses a transfer belt 222 having a non-image-forming area which is positioned at transfer opening 292 through which toner is deposited upon paper P. Nowhere does Takamatsu disclose that the non-image-forming area of belt 222 is positioned at an exposure gap through which toner is dusted onto belt 222. The Office Action rejected Claim 34 which recited the step of dusting the image zone with toner through the exposure gap by asserting that Takamatsu discloses this limitation. However, in contrast to the Office Action's assertions, Takamatsu does not dust an image zone with toner through an exposure gap and position a non-image-forming area of belt 222 at such an exposure gap. Accordingly, Claim 31, as amended, overcomes the rejection based upon Takamatsu. Claims 32 and 33 depend from Claim 31 and overcome the rejection for the same reasons.

II. Added Claims.

With this Reply, Claims 37-44 are added. Claims 37-44 are presented for consideration and allowance.

A. Claims 38-40.

Added Claims 38-40 depend from Claim 21 and recite additional features which are further patentably distinct over the prior art of record. Accordingly, Claims 38-40 are presented for consideration and allowance.

B. Claims 41-44.

Added independent Claim 44 recites a method of printing which includes designating a region of a non-photoconductive consumable as a non-use zone and positioning the non-use zone at an exposure gap of a protective housing. The prior art of record fails to disclose a method of printing which includes the aforementioned steps. In contrast, for example, Takamatsu merely discloses a photoconductive belt 222 having a non-image-forming area which is positioned at a transfer opening 292. Takamatsu is solely concerned with protecting the sensitive photoconductive surface of a photoconductive belt 22. Nowhere does Takamatsu disclose or suggest the need or the desire to protect a non-photoconductive consumable of a printing device.

In acknowledgment that Takamatsu does not even disclose a transfer belt, the Office Action attempts to additionally rely upon Japanese Publication JP2002-258574A in its previous rejection of Claims 30, 34 and 37. The Office Action further asserts that "The publication teaches a computer-readable media having computer-readable instructions for performing the method as discussed above and an intermediate transfer belt having a transfer area. However, this characterization of Japanese Publication JP2002-258574A is in error. The Japanese publication appears to merely disclose a transfer belt and a process for detecting and controlling a rotating position of transfer belt 704. Nowhere does the Japanese publication

disclose computer-readable instructions that specifically position a non-use zone of a transfer belt opposite an exposure gap.

Moreover, even assuming, *arguendo*, that it would be obvious to modify Takamatsu based upon the Japanese publication, the resulting combination would still fail to disclose the step of positioning a non-photoconductive consumable opposite an exposure gap in a protective housing during periods of nonprinting. In contrast, the resulting hypothetical combination would, at best, result in the mere addition of a transfer belt 704 between belt 222 at transfer opening 292 and paper P. Such a hypothetical combination would still fail to disclose enclosing the transfer belt 704 within a protective housing and positioning a non-use zone of the transfer belt at an exposure gap during periods of nonprinting. Neither Takamatsu nor the Japanese publication satisfy this deficiency. Any further modification of Takamatsu in view of the Japanese publication would appear to be based upon impermissible hindsight reasoning and is thus improper. Accordingly, added Claim 41 is believed to be patentably distinct over the prior art of record. Claims 42-44 depend from Claim 41 and are believed to be patentably distinct over the prior art of record for the same reasons.

Claim 42 depends from Claim 41 and recites that the non-photoconductive consumable includes a pair of opposite rollers and wherein the non-use zone comprises portions of each of the rollers. This feature is shown in Figure 4C and is described on page 11, beginning on line 23, of the present application.

The prior art of record fails to disclose a non-photoconductive consumable which includes a pair of rollers and a non-use zone including portions from both rollers, wherein the non-use zone of the rollers is positioned at an exposure gap in a protective housing during periods of nonprinting. Accordingly, Claim 42 is believed to be patentably distinct over the prior art of record for this additional reason.

Claim 43 depends from added Claim 41 and recites that the non-photoconductive consumable comprises a transfer member, such as a belt or a drum. The prior art of record fails to disclose positioning a non-use zone of a

transfer belt or drum at an exposure gap in a protective housing during periods of nonprinting. Accordingly, added Claim 43 is presented for consideration and allowance for this additional reason.

Added Claim 44 depends from Claim 41 and further recites depositing printing material upon a photoconductor through an exposure gap in a protective housing and positioning a non-use zone of the photoconductor at the exposure gap. The prior art of record fails to disclose depositing a printing material on a photoconductor through an exposure gap and positioning the non-use zone of the photoconductor at the exposure gap during periods of nonprinting. Accordingly, Claim 44 is believed to be patentably distinct over the prior art of art for this additional reason.

III. Conclusion.

After amending the claims as set forth above, claims 27-33 and 37-44 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date July 12, 2004

By Todd A. Rathe

FOLEY & LARDNER LLP  
Customer Number: 22879  
Telephone: (414) 297-5710  
Facsimile: (414) 297-4900

Todd A. Rathe  
Attorney for Applicant  
Registration No. 38,276